

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **ED CV 22-1818-DMG (SPx)** Date November 21, 2022

Title ***Miles Preservation, Inc. v. Amtrust North America, Inc.*** Page 1 of 1

Present: The Honorable **DOLLY M. GEE, UNITED STATES DISTRICT JUDGE**

KANE TIEN
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER TO SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE REMANDED TO RIVERSIDE COUNTY SUPERIOR
COURT**

On March 24, 2022, Plaintiff Miles Preservation, Inc. filed this action in Riverside County Superior Court, asserting state law claims against Defendant AmTrust North America, Inc. (“AmTrust”). [Doc. # 1.] On October 10, 2022, AmTrust removed to this Court, invoking this Court’s diversity jurisdiction on the basis that Plaintiff is a citizen of California and AmTrust is a citizen of Delaware and New York. *Id.*; see also 28 U.S.C. § 1332(a). On November 4, 2022, Plaintiff filed a First Amended Complaint (“FAC”), which does not name AmTrust as a defendant. Instead, Plaintiff asserts its claims against Wesco Insurance Company (“Wesco”). [See Doc. # 13.] In its FAC, Plaintiff alleges that Wesco is a corporation “existing under the laws of the State of Delaware,” but does not allege Wesco’s principal place of business. See FAC ¶ 2.

For diversity purposes, a corporation is deemed to be a citizen of both the state in which it has been incorporated and the state where it has its principal place of business. *Breitman v. May Co. California*, 37 F.3d 562, 564 (9th Cir. 1994). Because the FAC does not allege Wesco’s principal place of business, the Court cannot ascertain whether the parties are of diverse citizenship, and thus whether this Court has subject matter jurisdiction. Plaintiff is therefore **ORDERED** to show cause why this action should not be remanded to Riverside County Superior Court for lack of subject matter jurisdiction. Plaintiff shall file its response no later than **December 1, 2022**. Wesco shall file its reply, if any, by **December 8, 2022** or within 10 days after being served with the summons and FAC, whichever is later.

IT IS SO ORDERED.